



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Stephen M. Ryan
Matthew M. Leland
McDermott Will & Emery LLP
600 Thirteenth Street, NW
Washington, DC 20005

RE: MUR 6215
Christopher Fenton, Peggy Memering,
and Shelly Lyons

Dear Messrs. Ryan and Leland:

On October 2, 2010, the Federal Election Commission notified your above-referenced clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

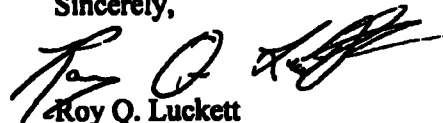
Upon further review of the allegations contained in the complaint as well as additional information supplied by the complainant, and information provided by you, the Commission, on July 14, 2010, voted to dismiss the allegations as they pertain to Christopher Fenton, Peggy Memering, and Shelly Lyons. The Factual and Legal Analyses, which more fully explain the Commission's decision, are enclosed for your information.

Pursuant to 2 U.S.C. § 441f, it is unlawful for a person to permit his or her name to be used to effect a contribution made in the name of another person. The Commission cautions Christopher Fenton, Peggy Memering, and Shelley Lyons to take steps to ensure that their conduct is in compliance with the Act and the Commission's regulations.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,


Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
Factual and Legal Analyses

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Christopher Fenton

MUR: 6215

The Complaint in this matter alleges violations of the Federal Election Campaign Act, as amended ("Act"), in connection with a fundraiser held in honor of Senator Harry Reid by Tate Snyder Kimsey Architects, Ltd. ("TSKA") on February 17, 2009 ("Reid Fundraiser"). The Complainant, Randy L. Spitzmesser, a former employee and shareholder of TSKA, alleges that Respondents Windom Kimsey and William Snyder, Principals of TSKA, illegally reimbursed him and other individuals for political contributions made to Friends for Harry Reid, the principal campaign committee for Senator Harry Reid ("Reid Committee").

A corporation is prohibited from making a contribution in connection with a federal election, and no officer or director of any corporation may consent to any contribution by the corporation. *See* 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). The Act also prohibits a person from making a contribution in the name of another or knowingly permitting his or her name to be used to effect such a contribution. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4.

TSKA used corporate funds to reimburse Christopher Fenton, a TSKA employee who made a \$500 contribution to the Reid Committee. Before the Reid Fundraiser, Mr. Kimsey's assistant, Peggy Memering, approached Mr. Fenton to ask whether he would contribute to the fundraiser. When Mr. Fenton expressed concern that he may not have adequate funds, Ms. Memering informed him that Mr. Kimsey would authorize a reimbursement to Mr. Fenton. After the complaint was filed, Mr. Fenton repaid his \$500 reimbursement to TSKA with a personal check drawn from his account on October 25, 2009.

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Given that this reimbursement appears to have been limited to a one-time incident involving a small amount in violation, the Commission dismisses the allegation that Christopher Fenton violated 2 U.S.C. § 441f. Mr. Fenton is cautioned to ensure compliance with 2 U.S.C. § 441f in the future.

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Peggy Memering

MUR: 6215

The Complaint in this matter alleges violations of the Federal Election Campaign Act, as amended ("Act"), in connection with a fundraiser held in honor of Senator Harry Reid by Tate Snyder Kimsey Architects, Ltd. ("TSKA") on February 17, 2009 ("Reid Fundraiser"). The Complainant, Randy L. Spitzmesser, a former employee and shareholder of TSKA, alleges that Respondents Windom Kimsey and William Snyder, Principals of TSKA, illegally reimbursed him and other individuals for political contributions made to Friends for Harry Reid, the principal campaign committee for Senator Harry Reid ("Reid Committee").

A corporation is prohibited from making a contribution in connection with a federal election, and no officer or director of any corporation may consent to any contribution by the corporation. *See* 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). The Act also prohibits a person from making a contribution in the name of another or knowingly permitting his or her name to be used to effect such a contribution. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4. Commission regulations further provide that no person shall assist in making a contribution in the name of another. *See* 11 C.F.R. § 110.4(b)(iii).

TSKA used corporate funds to reimburse the complainant, Mr. Spitzmesser, who made a \$1,000 contribution to the Reid Committee, as well as Christopher Fenton, a TSKA employee who made a \$500 contribution to the Committee. Before the Reid Fundraiser, Mr. Spitzmesser approached Mr. Kimsey about seeking a reimbursement for his \$1,000 contribution to the Reid Committee. Mr. Kimsey agreed to reimburse him from TSKA's corporate account. At Mr. Kimsey's request, his assistant, Peggy Memering, approached Mr. Fenton to ask whether he

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would contribute to the fundraiser. When Mr. Fenton expressed concern that he may not have adequate funds, Ms. Memering informed him that Mr. Kimsey would authorize a reimbursement to Mr. Fenton.

While Ms. Memering appears to have assisted in executing the reimbursements for Messrs. Spitzmesser and Fenton, she was a subordinate of Mr. Kimsey and acted at his request. Accordingly, the Commission dismisses the allegation that Peggy Memering violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(iii). Ms. Memering is cautioned to ensure compliance with 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(iii) in the future.

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Shelly Lyons

MUR: 6215

The Complaint in this matter alleges violations of the Federal Election Campaign Act, as amended ("Act"), in connection with a fundraiser held in honor of Senator Harry Reid by Tate Snyder Kimsey Architects, Ltd. ("TSKA") on February 17, 2009 ("Reid Fundraiser"). The Complainant, Randy L. Spitzmesser, a former employee and shareholder of TSKA, alleges that Respondents Windom Kimsey and William Snyder, Principals of TSKA, illegally reimbursed him and other individuals for political contributions made to Friends for Harry Reid, the principal campaign committee for Senator Harry Reid ("Reid Committee").

A corporation is prohibited from making a contribution in connection with a federal election, and no officer or director of any corporation may consent to any contribution by the corporation. *See* 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). The Act also prohibits a person from making a contribution in the name of another or knowingly permitting his or her name to be used to effect such a contribution. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4. Commission regulations further provide that no person shall assist in making a contribution in the name of another. *See* 11 C.F.R. § 110.4(b)(iii).

TSKA used corporate funds to reimburse the complainant, Mr. Spitzmesser, who made a \$1,000 contribution to the Reid Committee, as well as Christopher Fenton, a TSKA employee who made a \$500 contribution to the Committee. Shelly Lyons, TSKA's Business Manager and Office Manager, prepared the reimbursement checks for Messrs. Spitzmesser and Fenton at Mr. Kimsey's request.

While Ms. Lyons appears to have assisted in executing the reimbursements for Messrs. Spitzmesser and Fenton, she was a subordinate of Mr. Kimsey and acted at his request. Accordingly, the Commission dismisses the allegation that Shelly Lyons violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(iii). Ms. Lyons is cautioned to ensure compliance with 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(iii) in the future.